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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,251	01/08/2004	David H. Hanes	100203960-1	6734

22879 7590 06/23/2010

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
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FORT COLLINS, CO 80528

EXAMINER
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ADEGEYE, OLUWASEUN

ART UNIT	PAPER NUMBER
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2621

NOTIFICATION DATE	DELIVERY MODE
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06/23/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/753,251	<b>Applicant(s)</b> HANES, DAVID H.	
	<b>Examiner</b> OLUWASEUN A. ADEGEYE	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/22/2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/08/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitamura (US 7,236,526 B1).

As to **claim 1**, Kitamura discloses a method of analyzing a moving pictures expert group (MPEG)-formatted video/audio file (see column 17, lines 39 – 43), comprising:

defining a rule comprising at least one parameter that logically defines a format requirement for determining whether the MPEG-formatted file is decodable on a first type of MPEG-capable decoder but not decodable on a second type of MPEG-capable decoder (see column 17, lines 26 – 44, column, column 20, lines 50 – 57, column 21, lines 14 – 57. From the above cited columns the defined rule is the bit rate and the GOP structure. From the above cited column, if the host computer operates with a different bit rate or GOP structure that is different from the previous three, transcoder 101 will transcode the bit stream to the format required by the operator or the host computer.) ;

reading a portion of the file (see column 17, lines 26 – 43);

comparing the portion of the file with the rule (see column 21, lines 36 – 57); and

determining whether the file violates the rule (see column 21, lines 36 – 57) .

As to **claim 2**, Kitamura The method according to claim 1, wherein defining a rule further comprises defining a rule that comprises a parameter for addressing the portion of the file (see column 17, lines 26 – 44, column, column 20, lines 50 – 57, column 21, lines 14 – 57. From the above cited columns the defined rule is the bit rate and the GOP structure. From the above cited column, if the host computer operates with a different bit rate or GOP structure that is different from the previous three, transcoder 101 will transcode the bit stream to the format required by the operator or the host computer.).

As to **claim 3**, Kitamura discloses the method according to claim 2, wherein defining a rule that comprises a parameter for addressing the portion further comprises defining a rule that comprises a parameter specifying a bit rate of the file (see column 17, lines 26 – 44, column, column 20, lines 50 – 57, column 21, lines 14 – 57. From the above cited columns the defined rule is the bit rate and the GOP structure. From the above cited column, if the host computer operates with a different bit rate or GOP structure that is different from the previous three, transcoder 101 will transcode the bit stream to the format required by the operator or the host computer)

As to **claim 4**, Kitamura discloses the method according to claim 1, wherein defining a rule comprises defining a rule having at least one parameter logically defining a standardized format requirement (see column 17, lines 25 – 43).

As to **claim 5**, Kitamura discloses the method according to claim 1, wherein defining a rule comprises defining a rule having at least one parameter logically defining a MPEG format requirement (see column 17, lines 25 – 43).

As to **claim 6**, Kitamura discloses the method according to claim 1, wherein defining a rule comprises defining a rule having at least one parameter logically defining a digital versatile disc (DVD) format requirement (see column 17, lines 25 – 43. Line 43 discloses MPEG2).

As to **claim 7**, Kitamura discloses the method according to claim 1, wherein reading a portion of the file comprises locating a sequence header of the file (see column 17, lines 25 – 43).

As to **claim 8**, Kitamura discloses the method according to claim 1, wherein comparing the portion of the file comprises determining whether the file comprises a group of pictures (GOP) header (see column 17, lines 25 – 43 and column 20, lines 50 – 57).

As to **claim 9**, Kitamura discloses the method according to claim 1, further comprising transcoding the file upon determining the file violates the rule (see column 17, lines 26 – 44, column, column 20, lines 50 – 57, column 21, lines 14 – 57. From the above cited columns the defined rule is the bit rate and the GOP structure. From the above cited column, if the host computer operates with a different bit rate or GOP structure that is different from the previous three, transcoder 101 will transcode the bit stream to the format required by the operator or the host computer).

As to **claims 10 – 26**, grounds for rejecting claims 1 - 9 apply to claims 10 - 26 in its entirety.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUWASEUN A. ADEGEYE whose telephone number is (571)270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

06/16/2010

/O.A/

Application/Control Number: 10/753,251  
Art Unit: 2621

Page 6